

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD DEHAR,

Plaintiff,

v.

Case No. 12-13994

Honorable Patrick J. Duggan

DAVID KNIGHT,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION
FILED OCTOBER 25, 2013

This matter is presently before the Court on a motion filed by Plaintiff Donald Dehar ("Plaintiff") on October 25, 2013. For the reasons that follow, the Court denies the motion without prejudice.

Plaintiff is a state prisoner currently incarcerated in Arizona. On September 11, 2012, Plaintiff initiated this *pro se* action by filing a civil rights complaint naming a prison counselor in Buckeye, Arizona as the sole defendant. (*See* ECF No. 1.) On October 11, 2012, the Court transferred Plaintiff's case to the District of Arizona on the basis of venue. (*See* ECF No. 3.) Plaintiff subsequently filed a motion to dismiss this case with prejudice, stating that he did not wish to have the federal government interfere with the State of Arizona or its Department of Corrections. (*See* ECF No. 4.) This Court denied the motion on April 24, 2013,

explaining that it lacked jurisdiction to grant Plaintiff's request once his case was transferred to the District of Arizona. (*See* ECF No. 5.)

Meanwhile, on October 12, 2012, the District of Arizona opened Plaintiff's case in Phoenix. On January 25, 2013, the District of Arizona dismissed Plaintiff's complaint without prejudice because he had failed to comply with court orders directing him to pay the filing fee or to file an application to proceed *in forma pauperis*. *See Dehar v. Knight*, No. 2:12-cv-02190 (D. Ariz. Nov. 2, 2012, Dec. 10, 2012, and Jan. 25, 2013).

More recently, Plaintiff sent the District of Arizona a statement concerning his inability to obtain a copy of his commissary account balance. On October 28, 2013, Senior United States District Judge Robert C. Broomfield of the District of Arizona entered an order stating that, to the extent Plaintiff was seeking to belatedly attempt to comply with the order directing him to pay the filing fee or to apply for leave to proceed *in forma pauperis*, his filing was insufficient. Judge Broomfield further stated in his order that, to the extent Plaintiff was seeking other relief, such relief was denied because judgment was entered more than ten months earlier and his case was closed. *See Dehar v. Knight*, No. 2:12-cv-02190 (D. Ariz. Oct. 28, 2013).

On October 25, 2013, this Court received a motion from Plaintiff in which

he alleges that the defendant and other persons are retaliating against him. Plaintiff also states that he was severely beaten on July 6, 2013, and although taken to a medical complex, no photographs were taken of him and no X-rays were ordered despite his severe head trauma. Attached to Plaintiff's motion are this Court's order denying Plaintiff's motion to dismiss, an incomplete order from the District of Arizona, a copy of Plaintiff's birth certificate, a letter to the UFO Magazine in Cambridge, Massachusetts, an undecipherable document, and an inmate request for withdrawal of funds from Plaintiff's account with the Arizona Department of Corrections.

As previously explained to Plaintiff in the order denying his motion to dismiss, this Court has no authority to grant him relief because "[j]urisdiction follows the file" *Miller v. Toyota Motor Corp.*, 554 F.3d 653, 654 (6th Cir. 2009) (citing *Chrysler Credit Corp. v. Country Chrysler, Inc.*, 928 F.2d 1509, 1516-17 (10th Cir. 1991)). As such, once the Court transferred Plaintiff's case to the District of Arizona, it lost all jurisdiction over the case, including the power to grant any relief to Plaintiff.

Accordingly,

IT IS ORDERED that Plaintiff's motion, filed October 25, 2013 [ECF No. 6] is **DENIED WITHOUT PREJUDICE**.

Dated: April 17, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
Donald Dehar, #261420
ASP - Complex - Lewis- Barchey
P. O. Box 3200
Buckeye, AZ 85326